

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GUANG PING ZHU,
Plaintiff,
-v-
SALAAM BOMBAY, INC., et al.,
Defendants.

16-CV-4091 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

On February 28, 2019, Plaintiff Guang Ping Zhu filed a motion to compel Defendant Ramesh Shah to respond to an information subpoena issued in connection with Plaintiff's efforts execute judgments he has obtained against Shah. (Dkt. No. 81.) On March 15, 2019, the Court denied the motion without prejudice for failure to properly serve Defendant Shah. (Dkt. No. 85.) On April 17, 2019, Plaintiff filed a new motion to compel. (Dkt. No. 86.) Plaintiff's motion was again denied without prejudice to renewal following the conclusion of Shah's bankruptcy proceedings. (Dkt. No. 89.) On December 26, 2019, Plaintiff filed a new letter motion to compel and attached a notice dismissing Shah from the bankruptcy proceeding. (Dkt. No. 90.) By January 6, 2020, Defendant Shah had not filed an opposition to Plaintiff's motion, so the Court issued an order directing Shah to file an opposition on or before January 14, 2020, or else the motion would be deemed unopposed. (Dkt. No. 91.) On January 14, 2020, Shah's counsel filed a letter asking the Court to deny the letter motion to compel because Shah anticipates filing a new bankruptcy petition or, in the alternative, to extend the time to oppose the motion because Shah intends to substitute new counsel. (Dkt. No. 92.)

Shah's stated intention to re-file his bankruptcy petition at some unspecified future date is legally irrelevant to the motion to compel. And no reason justifies any further extension; more than two weeks elapsed between the filing of the letter motion and Shah's extension request, and,

in any event, Shah has not indicated why he is entitled to have his anticipated future counsel oppose the letter motion, rather than his current counsel.

Accordingly, Zhu's letter motion is granted. Shah is directed to respond to the information subpoena previously served upon him within seven (7) days. (*See* Dkt. Nos. 86-1, 86-2.)

SO ORDERED.

Dated: January 16, 2020
New York, New York



J. PAUL OETKEN
United States District Judge